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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/044,021	01/11/2002	Kevin W. Haulk	9869.00	8189	
26884	7590 06/17/2005		EXAMINER		
PAUL W. MARTIN			CHILCOT, RICHARD E		
LAW DEPARTMENT, WHQ-4 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			ART UNIT	PAPER NUMBER	
			3634		
·			DATE MAILED: 06/17/200	DATE MAILED: 06/17/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/044,021			Application No.	Applicant/o			
Examiner Richard E Chilcol, Jr. 3827 The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Ediracion of time may be available under the provisions of 37 CFR 1.136(a). In nevent, however, may a raply be sinely filed after 53(c) (b) MONTHS from the maining date of this communication. If NO period for reply is specified above, the maining date of this communication. If NO period for reply is specified above, the maining date of this common abANDCADE (5) u.5. € 1330. Arg yrayly received by the Office halve and emaining date of this common abANDCADE (5) u.5. € 1330. Arg yrayly received by the Office halve and emaining date of this communication, even if the maining date of this communication, even if the provision of the provision o			Application No.	Applicant(s)			
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1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)	See the attached detailed Office action for a list of the certified copies flot received.						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
	Attachment	k(s)					
2) L. L. Notico et Drattenomen'e Patent Drawing Poview (PTO 049). Page NOIS/Wall Uale							
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)		e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)					
Paper No(s)/Mail Date 6) ① Other:	Paper	No(s)/Mail Date					

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DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-12 are rejected under the judicially created doctrine of double patenting over claims 12-16 of U. S. Patent No. 6,626,359, since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: an ESL including a plurality of registers and a display displaying informational text; and a host computer including a first data image comprising the current contents of said plurality of registers, and a second data image comprising planned contents of said plurality of registers, said host computer comparing the first data image and the second data image to determine which of the plurality of registers need to be updated, and initiating transmission of messages to the ESL updating only the registers which need to be updated.

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Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Response to Arguments

The Terminal Disclaimer filed March 24, 2005, is disapproved because Patent Number - 6,454,169 as stated in the enforceable during common ownership clause is incorrect, Patent No. 6,626,359 should be recited.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard E. Chilcot, Jr. whose telephone number is (571) 272-6777. The examiner can normally be reached on 5/4/9 1st Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard E. Chilcot, Jr. Primary Examiner Art Unit 3627